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we talk about careless, reckless, and under in the influence driving, and we increase the penalties...

SENATOR CHAMBERS: No, you...

SENATOR BRASHEAR: ...in that regard.

SENATOR CHAMBERS: ...don't...I'm dealing with the part that I'm talking about where it says this constitutes creating...committing motor vehicle homicide. Just operating the motor vehicle illegally and a death to a fetus occurs, that constitutes motor vehicle homicide of an unborn child, based on the language of your amendment and Senator Foley's amendment. Have I misread the language or does it do something other than what you thought it did?

SENATOR BRASHEAR: Well, Senator Chambers, I...I wouldn't say you've misread anything, I think, ever. What I'm telling you is that what you're leaving out are the subsection parts of Section 8, which then say it could be motor vehicle homicide that is punishable by one year or less, and that very often results in probation, and a \$1,000 fine, or if it's reckless or if it's under the influence then we start graduating the penalty, and this tracks and mirrors exactly our existing motor vehicle homicide statutes.

SENATOR CHAMBERS: I'm not talking about the variations in penalties. I'm talking about the offense itself. To commit the offense all you have to be doing is operating a motor vehicle unlawfully.

SENATOR BRASHEAR: I agree.

SENATOR CHAMBERS: Now, suppose a husband is speeding his pregnant wife, or a friend is speeding to get a pregnant friend to the hospital and, by speeding, is violating the law, and runs into another car, or if it's icy, slides off the road and strikes an embankment, and the pregnant woman is not harmed but she miscarries. That person, who is trying to be a good Samaritan, has committed motor vehicular homicide. Isn't that true?